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TO RUEHGB/AMEMBASSY BAGHDAD PRIORITY 3594

RUEHLO/AMEMBASSY LONDON PRIORITY 1582

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RUEKJCS/SECDEF WASHINGTON DC PRIORITY

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C O N F I D E N T I A L SECTION 01 OF 05 STATE 002046

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SUBJECT: MEK FOREIGN TERRORIST ORGANIZATION (FTO)

DESIGNATION MAINTAINED - THE REVIEW PROCESS, IMPLICATIONS  
AND KEY POINTS

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Classified By: NEA Acting A/S David Hale for reasons 1.4(b) and (d)

¶1. (U) This is an action request for Embassies Baghdad,  
Paris, London, USEU Brussels and Ottawa. Please see paragraph  
¶10.

¶12. (C) SUMMARY. In response to the MEK's July 2008  
petition requesting a review of the organization's  
designation as a Foreign Terrorist Organization (FTO), the  
Secretary determined on January 7, 2009 that the FTO  
designation of the MEK will be maintained. The Secretary's  
determination to maintain the MEK's FTO designation does  
not/not alter the status under U.S. law of the individuals at  
Camp Ashraf. Given the MEK's aggressive lobbying efforts in  
the United States, Canada, and Europe, and the likelihood of  
future litigation, action posts should be prepared to address  
questions regarding the MEK's designation drawing from the  
points provided in paragraph 10. END SUMMARY.

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Legal Criteria of an FTO Designation  
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¶13. (U) In July 2008, the Mujahideen-e Khalq (MEK)  
petitioned the Department for a revocation of its designation  
as a Foreign Terrorist Organization (FTO). A petitioning  
organization must provide evidence that the relevant  
circumstances are sufficiently different from the  
circumstances that were the basis for the designation such  
that a revocation with respect to the organization is  
warranted. Revocation of a designation pursuant to a  
petition is mandatory upon a finding that (1) the  
circumstances that were the basis for the designation have  
changed in such a manner as to warrant revocation, or (2)  
U.S. national security warrants a revocation.

¶14. (U) The Secretary's review considered the full scope of  
terrorist activity and terrorism as defined under relevant  
U.S. law, which includes not only carrying out terrorist acts  
such as hijacking, sabotage, hostage taking, assassination,  
etc., but also preparing or planning for such acts,  
recruiting or training individuals for such acts, providing

financial or material support for terrorist acts, and gathering information on potential targets.

**¶5.** (U) Pursuant to the review, the Secretary concluded that the evidence presented by the MEK and other available information was not sufficient to show that circumstances have changed sufficiently to warrant revocation, as required by the FTO statute. The Secretary found that the MEK remains (1) a foreign organization, (2) that engages in terrorist activity or terrorism, or retains the capability and intent to engage in terrorist activity or terrorism, as those terms are defined under relevant statutes, and (3) the terrorist activity or terrorism of the group threatens U.S. national security or the security of U.S. nationals. Further, the Secretary concluded that U.S. national security does not on its own warrant revocation. She therefore determined that the MEK's FTO designation will be maintained. The determination was effective upon signature on January 7, 2009 and will be published in the Federal Register in the coming days.

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Implications of Decision  
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**¶6.** (U) There is no change in the MEK's status as an FTO. The consequences of an FTO designation include a prohibition

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against the provision of material support or resources to the FTO and the freezing of assets of the organization that are under possession or control of U.S. financial institutions. Further, aliens who are representatives and members of FTOs are inadmissible to the United States, and, in certain circumstances, deportable from the United States. Aliens that have provided material support to, received military type training from, or have certain other associations with FTOs are also generally inadmissible to the United States.

**¶7.** (C) The MEK is allowed to challenge the U.S. determination in court and is expected to do so. The MEK may also submit another petition for revocation in two years.

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The Impact on Camp Ashraf  
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**¶8.** (C) Approximately 3,200 MEK members currently reside at Camp Ashraf in Iraq. With the end of the UNSCR 1790 mandate for the Coalition Forces in Iraq, security responsibility for Camp Ashraf and its residents was assumed by the Government of Iraq as of January 1, 2009 (Ref. A). The Department's decision to maintain the MEK's FTO designation does not/alter the status under US law of the individuals at Camp Ashraf. There is no/no connection between the FTO designation review and the January 1 security transition at Camp Ashraf.

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Views of Our International Partners  
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**¶9.** (C) The Governments of France, Canada, and Iraq all view the MEK as a terrorist organization. France, in particular, has aggressively campaigned within the EU to maintain the MEK on the EU's terrorist list (Ref. C). The Government of France is closely monitoring the activities of the MEK and its political umbrella organization, the NCRI, which is headquartered in France. The MEK is also designated as a specially designated global terrorist (SDGT) organization pursuant to Executive Order 13224. UNHCR has been working to secure third-country resettlement options for defectors from Camp Ashraf who have been recognized as refugees under its mandate, but these efforts have had limited success (Ref. F).

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Talking Points  
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**¶10.** (U) ACTION REQUEST: Given the MEK's aggressive lobbying efforts in the United States, Canada, and Europe, and the likelihood of future litigation, action posts are encouraged to draw from the following talking points when discussing the MEK with interlocutors and the local press.

Q: Why was there a review of the MEK's FTO designation?

A: In July 2008, the MEK petitioned the Secretary of State for a revocation of its FTO designation. Upon a review conducted pursuant to the petition, the Secretary determined that it is appropriate to maintain the FTO designation for the Mujahideen-e Khalq (MEK also known as PMOI, MKO, NCRI, Muslim Iranian Students, Society, Organization of the People, s Holy Warriors of Iran, the National Liberation Army, Sazeman-e Mujahideen-e Khalq Iran).

Q: On what basis was the designation of the MEK maintained? Are they still engaging in terrorist activity?

A: The decision to maintain the FTO designation of MEK was based on a determination that the evidence presented by the MEK and other available information was not sufficient to show that circumstances have changed sufficiently to warrant revocation, as required by the FTO statute. The Secretary determined that the MEK remains a (1) foreign organization, (2) that engages in terrorist activity or terrorism, or retains the capability and intent to engage in terrorist activity or terrorism, as those terms are defined under relevant statutes, and (3) the terrorist activity or terrorism of the group threatens U.S. national security or the security of U.S. nationals. Further, the Secretary determined that U.S. national security does not on its own

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Q: What are the consequences of this action?

A: There is no change in the MEK's status as an FTO. The consequences of an FTO designation include a prohibition against the provision of material support or resources to the FTO and the freezing of assets of the organization that are under possession or control of U.S. financial institutions.

Further, aliens who are representatives and members of FTOs are inadmissible to the United States, and, in certain circumstances, deportable from the United States. Aliens that have provided material support to, received military type training from, or have certain other associations with FTOs are also generally inadmissible to the United States.

Q: How many other FTOs will be reviewed this year?

A: While the review of the MEK's FTO designation was initiated by the MEK's petition for revocation to the State Department in July, the Department of State conducts mandatory reviews of FTOs every five years. Reviews of 29 FTOs were initiated in 2008. To date, 14 designations have been maintained and 15 are still under review.

Q: Where can we find more information on these FTOs?

A: Information on the MEK and other FTOs can be found on the Department of State's website and in the 2007 Country Reports on Terrorism, which is available online.

Q: Why is the USG still maintaining they are a terrorist organization? Does this mean they are still committing terrorist attacks?

A: As indicated above, the MEK continues to meet the statutory criteria for designation, including engaging in

terrorist activity, as that term is defined under relevant U.S. law. The MEK remains (1) a foreign organization, (2) that engages in terrorist activity or terrorism, or retains the capability and intent to engage in terrorist activity or terrorism, and (3) the terrorist activity of the group threatens U.S. national security or the security of U.S. nationals.

The Secretary's review considered the full scope of terrorist activity and terrorism as defined under relevant U.S. law, which includes not only carrying out terrorist acts such as hijacking, sabotage, hostage taking, assassination, etc., but also preparing or planning for such acts, recruiting or training individuals for such acts, providing financial or material support for terrorist acts, and gathering information on potential targets.

Q: Isn't the MEK a proponent of a democratic future for Iran?

A: We do not view the MEK as a credible advocate for either democracy or human rights in Iran, given its record of terrorism and the abuse suffered by many of its own members. While we have serious concerns about the policies of the Iranian government, we do not condone acts of terrorism under any circumstances.

It is important to keep in mind, however, that the MEK's advocacy, and our view that such advocacy is not credible, is not germane to the Secretary's determination. Rather, the evidence regarding MEK's terrorist activity indicates that circumstances have not changed in a manner that warrants revocation.

Q: Why would the U.S. take this action after UK and EU courts have ordered de-listing of the MEK?

A: We are certainly aware of the MEK-related litigation in the United Kingdom and European Union and the resulting de-listings in those jurisdictions. However, the United States was not a party to that litigation, and the legal framework and administrative record on which the Secretary's determination is based was not before the European courts.

Q: Can the MEK appeal the Secretary's determination?

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A: Yes. The MEK may seek judicial review of the determination in the U.S. Court of Appeals for the District of Columbia Circuit (the DC Circuit) within 30 days of the date that the determination is published in the Federal Register.

Q: How will this affect the status of MEK members at Camp Ashraf, Iraq?

A: There is no change in the MEK's status as an FTO. The MEK was a Foreign Terrorist Organization yesterday and it remains a Foreign Terrorist Organization today. The decision to maintain the designation does not alter the status under U.S. law of the individuals at Camp Ashraf.

With the end of the UNSCR 1790 mandate for the Coalition Forces in Iraq, the Government of Iraq (GOI) assumed responsibility for Camp Ashraf and its residents on January 1, 2009. U.S. Forces will remain at Camp Ashraf in a supporting and monitoring role. The GOI has provided the United States with assurances on multiple occasions that Camp Ashraf residents will be treated in accordance with Iraq's Constitution, laws, and international obligations.

Q: Why were the transfer of the responsibility for Camp Ashraf and the decision on the MEK's FTO so close together? Why at the end of the Administration?

A: The date of the transfer of responsibility for Camp Ashraf was determined by the end of the UN Security Council mandate for Coalition Forces in Iraq on January 1, 2009. The Secretary was legally required to make a determination within 180 days the MEK's petition, which was submitted in July 2008.

Q: What is to prevent Iraq from forcibly sending them back to Iran, where they could suffer retribution?

A: The GOI has stated that no Camp Ashraf resident will be forcibly transferred to a country where they have reason to fear persecution based on their political opinions or religious beliefs, or where there are substantial grounds for believing they would be tortured.

The GOI is working with international organizations, as they seek a humanitarian solution to allow the Camp residents to either return home voluntarily or possibly be resettled in third countries. These organizations, plus the USG, will continue to monitor the status of the Camp Ashraf residents.

We continue to make the safety and human rights of MEK members at Camp Ashraf a top priority in our discussions with the GOI.

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Background on the MEK - A Marxist-Islamic cult  
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¶11. (U) The historical background that follows may provide useful context for posts, although the Secretary's determination to maintain the FTO designation of the MEK was based on terrorist activity within the past five years: The Mujahideen-e Khalq Organization (MEK or MKO) is a Marxist-Islamic terrorist organization that reportedly represses its members through cult-like practices. The MEK was formed in the 1960s in opposition to the Shah and, consequently, targeted both Iranian and American interests. The MEK assassinated several U.S. citizens in Iran in the 1970s, including U.S. military personnel and defense contractors. The MEK supported the takeover of the U.S. Embassy in Tehran in 1979, but later split from Ayatollah Khomeini and eventually ended up in Iraq in the 1980s where members enjoyed preferential treatment under Saddam Hussein's regime. Bolstered by extensive funding and paramilitary training by Saddam, the MEK participated in offensives against Iran during the Iran-Iraq war, an act for which it is still reviled by the Iranian public. Because of allegations it aided Saddam in suppressing Kurdish and Shi'a uprisings in Iraq following the Gulf War, the MEK is also considered a terrorist organization by the current Iraqi government (Ref. A, B). In 2003, French authorities arrested 160 MEK members at operational bases in France they believe the MEK was using to coordinate financing and planning for

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¶12. (C) While publicly touting itself as a democratic alternative to the current regime in Tehran, the MEK's cult-like pattern of psychological and physical abuse of its members suggests otherwise. Under the leadership of the husband-wife team of Maryam and Masoud Rajavi, the MEK is a largely female-driven organization that promotes equal rights for women but fails to respect the basic human rights of its members, female or male. While Maryam and Massoud are married, MEK rank and file are forced to divorce and are forbidden from having normal male-female relationships or personal friendships of any kind. No children reside at Camp Ashraf. MEK defectors tell stories of regular self-denunciations, intimidation, forced hysterectomies, brainwashing, and isolation from family members.

¶13. (C) Maryam Rajavi acts as the public face of the MEK's political umbrella organization, the National Council of Resistance in Iran (NCRI), headquartered in France while

Masud Rajavi, the MEK's operational leader, remains in hiding. Other aliases for the MEK include the People's Mujahideen Organization of Iran (PMOI), National Liberation Army of Iran (NLA), Muslim Iranian Students, Society, Organization of the People's Holy Warriors of Iran, the National Liberation Army, and the Sazeman-e Mujahideen-e Khalq Iran.

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Comment  
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¶14. (C) Comment: The most powerful myth the MEK has been able to lodge in the minds of most supporters is that they are the democratic alternative to the current regime in Tehran. While we have serious concerns about the policies of the Iranian government, the MEK's four-decades-long record of terrorism and cult-like repression of its members demonstrates that the MEK is not a credible advocate for democracy or human rights. Furthermore, the majority of Iranians do not regard the MEK as a legitimate force for democratic change in Iran. The Secretary's decision to maintain the MEK's FTO designation sends a clear signal that the U.S. Government does not condone the organization's terrorist activity. End Comment.

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